IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

WRIT PETITION NO. 428 (MS) 2006

Vikram Singh Rai, son of Sri Sundar Singh,
Resident of Shivaji Nagar, Bapu Gram, Rishikesh,
District-Dehradun. .....Petitioner.

Versus

1. The Civil Judge (Senior Division), Dehradun.
2. Om Singh, son of not known
2. Smt. Kalati wife of Om Singh,
3. Devendra Singh, son of Om Singh,
4. Anil Rawat, S/o Dayal Singh,
   All resident of Bapu Gram, Rishikesh, District Dehradun.

.....Respondents.

Sri Arvind Vashisth, Advocate for the petitioner.
Learned Standing Counsel for respondent no.1.

Dated: 26.04.2006

Hon'ble Rajesh Tandon, J.

By the present writ petition, the petitioner has prayed for a writ of Mandamus commanding the respondent no. 1 to expedite the disposal of the application filed by the petitioner U/o 9 Rule 9 C.P.C. in O.S. N0. 509 of 2002.

Briefly stated, the plaintiff has filed a suit being Suit No. 509 of 2002 praying for permanent injunction not to evict the plaintiff from the premises in dispute otherwise in due course of law.

The aforesaid suit filed by the plaintiff was dismissed in default on 17.01.2006. Thereafter, on 18.01.2006, an application was moved by the defendants that the case be heard on 18.01.2006 itself but the said application was denied by the Court.

The petitioner has confined his prayer for the disposal of the application under Order 9 Rule 9 C.P.C.

In view of the above, the Civil Judge (S.D.), Dehradun is directed to decide the application moved under Order 9 Rule 9 C.P.C. within a period of six weeks from the date of presentation of the certified copy of the order.

Writ petition is disposed of accordingly. No order as to costs.

(Rajesh Tandon, J.)

26.04.2006
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